

REMARKS

Claims 1-3, 5-9, 11-16, 18-21, and 23-26 are pending in the above-referenced Application.

All pending claims (1-3, 5-9, 11-16, 18-21, and 23-26) of the present Application were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 6,178,407 B1 to Lotvin et al. ("Lotvin"). Applicant submits that the rejection is improper.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The present Application includes three independent claims, claims 1, 14, and 26. Each of these claims recites the limitation that the second party is a major financial services company that "*receives, from third parties, information associating the identification of the user with the items that the user purchases.*" Lotvin does not teach or suggest, either expressly or inherently this limitation.

Lotvin simply does not disclose a system where *a major financial services company receives information associating the identification of the user with the items that the user purchases.* The system in Lotvin maintains information provided by a parent that identifies the child user by "name, address, sex, age and inclinations," along with information about "parental preferences regarding presentations, advertising [to be shown to the child] and purchasing [by the child]," and "payment information, e.g., credit card number and [the child's] allowable monthly spending limit." Col. 14 ll. 15-19. This information, including the information that identifies the child, is stored in the central facility of a first party, which is not a financial service company. As shown in Figure 1, databases containing information that identifies the child (block 101, shown expanded in Figures 12A and 12B) are maintained by administrative subsystem of the first party (block 103, shown expanded in Figure 13). Significantly, the system in Lotvin "determines and appropriately displays (block 905) *to the parent* information regarding...the child's purchase history. In the preferred embodiment, *the information is stored in the system database* in a separate child log table associated with each child." Col. 15 ll. 24-35 and Fig. 10. It is important to provide the parent with this information in Lotvin because it is the parent that finances the child's purchases. See Col. 13 l. 37 – Col. 14 l. 8. It is also the parent

that uses this information to monitor the child's selections and limit the child's future purchasing power. In the Lotvin system, any purchase requests made by the child are transmitted to vendors and then separately billed to the parent's account. In the preferred embodiment, as shown in Figure 6, the system receives the child's request to purchase an item (block 604). The order, specifying "the item(s) that are ordered along with any required features (size, color, model number, catalog number, etc.), the child's name and the child's address," is then communicated to a vendor and logged by the system (block 605). Col. 13 ll. 54-65. In a separate transaction (block 606), the parent's credit card account "is debited based on the selected item(s)." *Id.* ll. 54-67. As such, in Lotvin, there is no need for third parties to provide a major financial services company with information associating the user's identification with the items that the user purchases. Thus, Lotvin teaches away from the second party being a major financial services company that "*receives, from third parties, information associating the identification of the user with the items that the user purchases.*" Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 14, and 26.

Claims 2-3, 5-9, 11-13, 15-16, 18-21, and 23-25 were also rejected under 35 U.S.C. § 102(b) as anticipated in view of Lotvin. These claims each depend from one of the independent claims 1 and 14, which, Applicants respectfully submit above, are allowable. Therefore, claims 2-3, 5-9, 11-13, 15-16, 18-21, and 23-25 are also allowable.

In addition, Lotvin does not disclose, teach, or suggest analyzing the information associating the identity of a user with the user's purchases to determine the purchasing preferences of the user. Lotvin only teaches parental preferences, which may be used to tailor the information that is presented to a child using the system. *See, e.g.*, Col. 6 l. 65 – Col. 7 l. 2; Col. 7 l. 67 – Col. 8 l. 13. Lotvin also does not disclose, teach, or suggest selling and/or using the information associating the identity of a user with the user's purchases to target advertising to a user based on his or her purchasing preferences. Lotvin only teaches using parental preference to determine the advertisements displayed to the user. *See, e.g.*, Col. 10 ll. 53-59.

The Office Action restates the examiner's position that "[a]pplicant is reading the limitation into the claim which is just not there." This is not true. Claims 8, 16, and 21 specifically relate to user purchasing desires. In addition, claim 9 specifically recites "wherein the information associating the user with the items the user purchases is used to provide targeted

advertising to the user." Because neither of these feature are taught or suggested by Lotvin, claims 8, 9, 16 and 21 are further allowable for these reasons.

Accordingly, Applicants respectfully submit that all claims are in form for allowance. It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Further, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In the event that the Examiner believes that the claims are not in condition for allowance, Applicants respectfully request an interview prior to the issuance of the next Office Action.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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